

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-cv-00395-ODW-MAA Date: May 18, 2023

Title Mareus St. Hilaire v. Bryan Birkholz

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

Narissa Estrada
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Petitioner:
N/A

Attorneys Present for Respondent:
N/A

**Proceedings (In Chambers): Order to Show Cause Regarding Petitioner’s Failure to File
Opposition to Respondent’s Motion to Dismiss (ECF No. 7)**

On January 17, 2023, Petitioner Mareus St. Hilaire (“Petitioner”) filed a *pro se* Petition for Writ of Habeas Corpus by a Person in Federal Custody pursuant to 28 U.S.C. § 2241 (“Petition”). (Pet., ECF No. 1.) On February 24, 2023, the Court issued an Order Requiring Response to Petition (“ORR”). (ORR, ECF No. 6.) On March 24, 2023, Respondent filed a Motion to Dismiss the Petition (“Motion”). (ECF No. 7.) By the terms of the ORR, Petitioner’s Opposition to the Motion was due within thirty days after service of that Motion, or April 23, 2023. (ORR 2.) To date, Petitioner has neither filed an Opposition to the Motion nor requested an extension of time in which to file such Opposition.

Petitioner is **ORDERED TO SHOW CAUSE** by **June 16, 2023** why the Court should not recommend that the lawsuit be dismissed for failure to file an Opposition to the Motion, failure to comply with Court orders, and failure to prosecute. If Petitioner files an Opposition to the Motion on or before that date, the Order to Show Cause will be discharged, and no additional action need be taken.

Petitioner is advised that failure to file an Opposition to the Motion will be construed as consent to the granting of the Motion and will result in a recommendation that the lawsuit be dismissed. See C.D. Cal. L.R. 7-12. Petitioner also is advised that failure to comply with this order will result in a recommendation that the lawsuit be dismissed for failure to prosecute and/or failure to comply with Court orders. See C.D. Cal. L.R. 41-1.

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This Order is non-dispositive. However, if Petitioner believes this Order erroneously disposes of any of his claims or precludes any relief sought, he may file objections with the district judge within twenty (20) days after the date of the Order. *See Bastidas v. Chappell*, 791 F.3d 1155, 1162 (9th Cir. 2015); Fed. R. Civ. P. 72.

It is so ordered.